

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOZSEF GYETVAI,

Plaintiff,

v.

LARRY MORAN, et al.,

Defendants.

:
:CIVIL ACTION NO. 3:18-CV-814
:
:(JUDGE MARIANI)
:(Magistrate Judge Schwab)
:
:
:
:
:
:

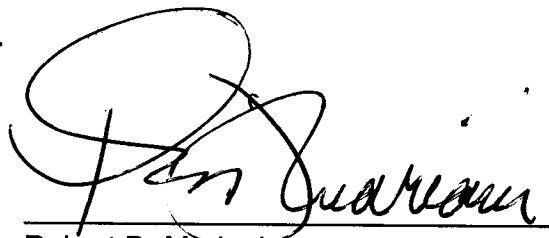
ORDER

AND NOW, THIS 27th DAY OF SEPTEMBER 2019, upon

consideration of Magistrate Judge Schwab's R&R (Doc. 9) and Mr. Gyetvai's motions to amend (Docs. 12, 15, 16), for the reasons set out in the simultaneously filed Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 9) is **ADOPTED** for the reasons set forth therein.
2. The above-captioned action is construed as a combined civil rights complaint pursuant to 42 U.S.C. § 1983 and habeas corpus petition pursuant to 28 U.S.C. § 2254.
3. The civil rights portion of the action is **DISMISSED** with prejudice.
4. Mr. Gyetvai shall be permitted file an amended habeas corpus petition naming the warden of his place of incarceration as the respondent and setting out specific challenges to his conviction and sentence.

5. The Clerk of Court is to provide Mr. Gyetvai with two blank 28 U.S.C. § 2254 forms for his use in preparing his amended habeas corpus petition.
6. If Mr. Gyetvai fails to file an amended petition within twenty-one (21) days of the date of this Order, the above-captioned matter will be dismissed without prejudice and the case will be closed.
7. The "Motion to Amend, and Include: False Arrests under Habeas Corpus 1983; 'Civil Rule 15'" (Doc. 12) is **DENIED** with prejudice.
8. The "Motion to Leave; to Amend" (Doc. 15) is **DENIED** with prejudice.
9. The "Motion to Amend to 1983 Abuse of Power Claim, False Arrest, Malicious Prosecution" (Doc. 16) is **DENIED** with prejudice.
10. This matter is remanded to Magistrate Judge Schwab for further proceedings.
11. Any appeal from this Order will be deemed frivolous, lacking in probable cause and not taken in good faith.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge